THE COERCION OF STATES

Self-explanatory Correspondence

"Punishment could not in the nature of things be executed on the States collectively . . . such a Govt. was necessary as could directly operate on individuals, and would punish those only whose guilt required it."—George Mason in the Constitutional Convention, 1787.

—Max Farrand: The Records of the Federal Convention, 1787, Vol. I, pp. 339, 340.

"The practicability of making laws with coercive sanctions for States as political bodies has been exploded on all hands."—James Madison in the Constitutional Convention, 1787, in the session of July 14.

—Max Farrand: The Records of the Federal Convention, 1787, Vol. II, 1911, p. 9.

APRIL 7, 1920.

AMERICAN PEACE SOCIETY,
Washington, D. C.

DEAR SIRS: It is with great regret that I feel myself constrained to resign as a member of the American Peace Society for the following reasons:

The purposes of the Society as expressed in its official organ, the ADVOCATE OF PEACE, appears to be consistently opposed to sanctions of any kind for maintaining the peace of the world. It seems to be definitely committed, not only against the present League of Nations, with or without reservations, but also against any other similar organization intended to enforce peace.

While I have always been most tolerant toward opinions and measures in the interest of international peace, even when not coinciding with my own, I feel yours to be a policy *directly opposed* to what I conceive to be the only practical means of accomplishing peace in any measurable time short of the millennium.

I believe that no tribunal will be respected without means for enforcing its decrees. I believe that the nations will not resort to its offices without at least some indirect compulsion upon the States expected to look to the tribunal for the settlement of their disputes.

The United States Supreme Court is often cited as a model for such a tribunal; but what would be its usefulness in the American system without the sanctions provided by the Constitution? The policy of relying upon *moral* force and public opinion, as the spokesman of the American Peace Society recommends, seems so futile as to be, in my judgment, positively dangerous to the entire peace movement.

"A governed world" presupposes the ultimate sanction of force, although force may never be relied upon. "Peace through justice" requires it. Justice has always been represented by the symbol of the scales and the sword. We must assume that justice means something more than abstract or academic justice. In the most enlightened States, force is seldom used; but this does not rest upon any abstract idea of justice, but upon common respect for the ultimate sanction back of the organs of justice.

For the above reasons, and in view of the fact that the authorized publication of the Society has for a long period been spreading broadcast doctrines directly opposed to these views, I feel it my duty to request that you drop my name from the rolls of your members.

Respectfully yours,

ARTHUR K. KUHN.

APRIL 15, 1920.

ARTHUR K. KUHN, Esq.

DEAR SIR: I wish to thank you for your letter of April 7.

Permit me to suggest that you are in error in thinking that the United States Supreme Court has any sanctions of force in issues joined between States. There is no way to coerce a State except by war.

So far as our conceptions of justice as a basis of international peace is concerned, I may add that that conception is not a conception of abstract justice, but of right and justice expressed in terms of law and equity.

Our conception of the sanction of force is confined to its operation upon individuals only, and does not extend to the operation of force upon States. As you are quite well aware, the Supreme Court of the United States has no power to coerce States of the Union by means of force.

Yours very truly,

ARTHUR D. CALL.

APRIL 17, 1920.

ARTHUR D. CALL, Esq.

MY DEAR SIR: 1. This is to acknowledge with thanks your favor of the 15th inst.

2. While my letter did not directly raise the question of the sanctions of force provided by the Constitution in disputes between the States, I gladly join the issue with you now. I am not in error, but you are in error if you believe that the Supreme Court has only power to render declaratory judgments in disputes between States. It has repeatedly pronounced its power to enforce its decrees in such cases by operating directly upon the officials and citizens of the States, by *injunction, mandamus,* or *other proper remedy,* in the execution of which the entire forces of the United States Government are at the command of the Supreme Court, if necessary.

3. In substantiation of this view you have only to familiarize yourself with the very recent decision of the Supreme Court in the case of Virginia *vs.* West Virginia

(1917), 246 U. S., 565, wherein the court indicates that it will not hesitate to issue its decrees directly against the officers of one State to enforce a judgment awarded by it in favor of another State. On page 601 the court says:

As the powers to render the judgment and to enforce it arise from the grant in the Constitution on that subject, looked at from a generic point of view, both are federal powers and, comprehensively considered, are sustained by every authority of the Federal Government—judicial, legislative, or executive—which may be appropriately exercised.

4. If you will read this and the earlier decisions of the Supreme Court, you may be induced, perhaps, to modify your view that, in respect of its original jurisdiction of controversies between the States, the Supreme Court has no sanction to execute its decisions other than the same "moral force" and "public opinion" upon which you so implicitly rely for maintaining world peace through an international court of justice unsupported by a League of Nations.

5. It was James Buchanan who said, "The fact is that our Union rests upon public opinion." We now know that, if it had rested upon that alone, there would have been no Union and no Supreme Court.

6. In view of the fact that, as Editor of the organ of the American Peace Society, you have given wide publicity to your views opposed to the League of Nations and the sanction it creates, I respectfully suggest that you publish this correspondence, and thus accord publicity to the opinions of other members of long standing in the Society like myself (and there are many others), who feel that an alignment with the position of Senators Reed, Johnson, and Borah will be hurtful both to the Society and to the entire peace movement.

Sincerely yours,

ARTHUR K. KUHN.

DEAR MR. KUHN:

By stating thus clearly your views relative to the coercion of States, you make it possible for us to organize our reply—a reply satisfactory to us and, we hope, a reply satisfactory to you and to our other readers. Taking up your points in order, the coercion of States by "injunction, mandamus, or other proper remedy" and the case of Virginia *vs.* West Virginia, we beg leave to remark:

First. We do not believe that there has been any decision of the Supreme Court of the United States enjoining a State official in the performance of his duty under the law of the State, where such law is constitutional. The reason why there has been no such attempt on the part of the United States against an official of a State is due to the fact that such an action would, from the nature of the case, lie not against the official, but against the State itself; and such an action against a State has always been considered to be quite without warrant.

Where a State official has, however, attempted the execution of an act passed by the State, which act has been held or found to be unconstitutional, the case is, of course, different. It is a fact that there have been many cases in the Supreme Court of the United States in which a State official has been enjoined from the execution of an act of the State held or found to be unconstitutional. Of this class *Ex parte* Young (209 U. S., 123), decided in 1919, is a typical instance. The decision is an illustration of the principle that a State officer attempting to enforce an unconstitutional statute is performing an illegal act for which he is personally responsible. In consequence the supreme authority of the United States can enjoin such a person. But such a proceeding is in no sense an injunction against a State. The decision in this case has not been overruled.

Second. We are unable to find any instance of a Federal court compelling by mandamus the performance by a State official of his duty under the statute. The reason for this, apparently, is that the action by the court in such a case would not be against the official, but against the State itself. The leading case on this point is supposed to be Kentucky *vs.* Dennison, Governor of Ohio (24 Howard, 66), decided in 1860. The theory of mandamus there established has not yet been overruled. Mr. Chief Justice Taney, delivering the opinion of the court, employed these significant words: "But if the Governor of Ohio refuses the discharge of this duty, there is no power delegated to the General Government, either through the judicial department or any other department, to use any coercive means to compel him. And upon this ground the motion for the mandamus must be overruled."

Third. In regard to the case of Virginia *vs.* West Virginia, therefore, it ought not to be necessary to say more than that, no judgment having ever been executed by force against any State of the American Union, such an execution against West Virginia would not be attempted.

But, that the reply to Mr. Kuhn may be adequate and technically exact, we take the liberty to call the attention of those who think as does Mr. Kuhn to an editorial note on this subject appearing in the *Harvard Law Review* of June, 1918, which note, stating the case more adequately than we are capable of stating it, is here reprinted in its entirety:

THE VIRGINIA-WEST VIRGINIA DEBT CONTROVERSY.—The Supreme Court has left open a point of exceptional interest in holding over for reargument the rule requir-

ing West Virginia to show cause why, in default of payment of the judgment in favor of Virginia, an order should not be entered directing the levy of a tax by the legislature, and a motion by West Virginia to dismiss the rule.[1] The decision by the Chief Justice points out that Congress, as required by the Constitution, ratified the agreement by which West Virginia assumed its proportional share of the debt of Virginia, and indicates his opinion that, under the doctrine of *McCulloch vs. Maryland*[2] Congress has the power to enforce its performance. But, in the absence of congressional action, has the Supreme Court power to mandamus the legislature of West Virginia to levy a tax to pay its obligation? The argument in the affirmative suggested by the court is that the grant to the judicial power of jurisdiction to determine controversies between two or more States must have been an effectual grant, and that the power to pronounce judgment must include the power to enforce the judgment. But such reasoning, though persuasive, is not conclusive. Words have no absolute meaning, but must be interpreted in the Constitution, as elsewhere, in the light of history and policy. Thus the prohibition of involuntary servitude, though absolute in terms, does not prevent compulsory military service.[3] The history of the Fourteenth Amendment is an epic of interpretation from the points of view of both history and growth of political theory.[4]

That judicial power should, as a general proposition, include the power to enforce its judgments is obviously necessary to obtain justice from the imperfection of human nature. But jurisdiction has been taken and judgments rendered in a class of cases where the power to enforce them has existed so entirely in theory alone as to raise doubts that it existed at all. In *The Spanish Ambassador vs. Bingley*[5] it was decided that a foreign sovereign might bring a bill in chancery. *The Colombian Government vs. Rothschild*[6] held that he must bring it in such a way—by some public officer or otherwise—that justice could be done the defendants in case they chose to bring a cross-bill. In *Hullett vs. King of Spain*[7] the Spanish Government had deposited money in London which it had received from France to hold in trust for Spanish subjects having claims against the French Government under a treaty. The money was also on deposit as security for performance by Spain of its obligations. The court interpreted the various treaties and decreed payment to the King of Spain. If we may suppose for a moment the intervention of the *cestuis que trust* and the French Government and the necessity of a decree ordering the disposition of the fund according to a view of the treaty which neither France nor Spain could accept, the difficulties of enforcement in anything more than a highly technical sense are clearly discerned.[8] The fact is that the courts go, and must go, in these cases on the theory which one of our own judges has expressed, that they cannot presume that a sovereign State will knowingly disobey the judgment of the court and do injustice.[9] And, though at first blush this appears the thinnest fiction, it would seem to be on a sound basis; for the function of the courts is to determine the rights of the parties; and, though in the common run the coercive power is merely an adjunct to judicial administration, a vast increase in the degree may make a difference in kind and change a question of judicial administration to one of political expediency. It may well become one of those questions which, in the language of the Duke of York's case, is "too high" for the court.[10] Such, under our own Constitution, is the question of the existence of a State government.[11] And it may be argued that the decision whether any State government is or is not republican in form is of the same nature and must be made by Congress and not by the court.[12] So also, it would seem, is this question as to what method to pursue to force one of our partially sovereign units to pay a debt due to another. The decision should be made by the representatives of the entire people, and then enforced by all the processes which the court has at its command.

Historically the case for the existence of this power in the court is no better.

The pre-Revolutionary period gives us little help. The jurisdiction of the English courts was extremely narrow, the mass of appeals being decided by the administrative committee of the Privy Council in charge of Plantation Affairs.[13] Furthermore, the theory was fundamentally different, being that of a sovereign administering dependencies. The Articles of Confederation, however, provided that Congress should be the "last resort on appeal" in cases of disputes between the States.[14] The method of settlement included a notification of the parties to appear, and a direction by Congress that they should appoint judges, "who shall constitute a court for determining the matter." In case of failure to agree, an elaborate system was provided for appointing judges "to hear and finally determine the controversy." The judges were to report their decision to Congress, which entered it among its acts as "security for the parties." In essence the scheme was that in case of controversy Congress should by law create a court to decide the case. The court performed the judicial function. Then Congress enacted the decision to give security to the parties. The enforcement was clearly by legislative process, if enforcement was necessary.

[1] Commonwealth of Virginia *vs.* State of West Virginia, 38 Sup. Ct., 400 (1918).
[2] 4 Wheat., 316 (1819).
[3] Emma Goldman and Alexander Berkman *vs.* United States, 38 Sup. Ct., 166 (1918).
[4] Holmes, J., dissenting, in Lochner *vs.* New York, 198 U. S., 45 (1905).
[5] Hob., 113.
[6] 1 Sim., 94.
[7] 2 Bligh (P. C.) (N. S.), 31.
[8] See also and compare Nabob of the Carnatic *vs.* East India Co., 1 Vesey, 371, and Nabob of the Carnatic *vs.* East India Co., 2 Ves., Jr., 56.
[9] Massachusetts *vs.* Rhode Island, 12 Pet., 657, 750 (1838).
[10] Rotuli Parliamentorum, 375; Wambaugh's Cases on Constitutional Law, 1.
[11] Luther *vs.* Borden, 7 How., 1 (1849).
[12] Pacific States Tel. & Tel. Co. *vs.* Oregon, 223 U. S., 1 (1911).
[13] The King's Bench had *jurisdiction* only in cases of *quo warranto*, and Chancery only in cases between Lords Proprietary as private subjects. See Massachusetts *vs.* Rhode Island, 12 Pet., 657, 739 (1838); Snow, Administration of Dependencies, chap. V.
[14] Article IX.

In view of this situation, what power of enforcement is implied in the provision that judicial power shall extend to controversies between two or more States?[15] Formerly in such cases the judicial function had been performed by a court which admittedly had no power to enforce. And we have seen that coercion, even to secure justice, may develop into a purely political matter. In *The Cherokee Nation vs. Georgia,*[16] Chief Justice Marshall said: "That part of the bill which respects the land occupied by the Indians and prays the aid of the court to protect their possession may be more doubtful. The mere question of right might, perhaps, be decided by this court in a proper case, with the proper parties. But the court is asked to do more than decide on the title. The bill requires us to control the legislature of Georgia and restrain its physical force. The propriety of such an interposition by the court may well be questioned. It savors too much of the exercise of political power to be within the province of the judicial department." As bearing on the general belief of the Constitutional Convention as to the coercive power of the judiciary over the States, it is interesting to note that while that department was early given jurisdiction over cases where foreigners were interested in treaties, yet in all drafts up to the final formulation the executive was required to coerce any State which opposed the execution of a treaty.[17]

It is also significant that for some time the convention was inclined to reserve disputes between the States in regard to territory and sovereignty, which of all would have seemed the only ones which might need enforcement, for the Senate.[18] And when the broad grant of jurisdiction to the judicial power was finally made we find a contemporary diarist noting that it extended to all controversies of a legal nature between the States.[19] Granting, as we do, that all disputes between units of a federation are justiciable, we may also insist that the coercion of a unit may well be beyond the limitation implied in the words "of a legal nature"; otherwise it would be difficult to explain why so bitter an opponent of Article III as Luther Martin, who also desired that rebellion under State authority should not be treason,[20] took no exception to this grant of power.

It would not seem unreasonable, then, to believe that neither the framers of the Constitution nor subsequent judicial expounders considered that the court had this enforcing power over the States in the absence of a direction by Congress. It is clear, both from the history of the case and the language of the opinion, that the court finds weighty considerations of policy against claiming it now. Where both historical authority and long judicial practice can consistently join with sound political policy, it is well gratefully to declare the union.

Thus the fact seems to be that there is no method by which States may be enforced other than by war. The United States Government can compel individuals. But the government established by the Fathers contemplated no exercise by the Central Government of force upon the States. The plan in 1787 to establish a government with power to coerce a State was proposed, discussed, and eliminated.

The views of the framers of the "more perfect union" of the United States on this question can best be stated in their own language, and they will be so stated without comment.

The sixth resolution of the Virginia plan, which was the basis of the articles of this "more perfect union" which we commonly call the Constitution, vested the proposed national legislature with the right "to call forth the force of the Union against any member of the Union failing to fulfill its duty under the articles thereof."[21] The Virginia plan was laid before the Convention on May 29, 1787.

In the session of May 30, to quote Mr. Madison's notes:

> Mr. Mason observed that the present confederation was not only deficient in not providing for coercion & punishment agst. delinquent States; but argued very cogently that punishment could not in the nature of things be executed on the States collectively, and therefore that such a Govt. was necessary as could directly operate on individuals, and would punish those only whose guilt required it.[22]

In the session of June 20 Mr. Mason said:

> It was acknowledged by Mr. Patterson that his plan could not be enforced without military coertion. Does he consider the force of this concession? The most jarring elements of nature; fire & water themselves are not more incompatible that [than] such a mixture of civil liberty and military execution. Will the militia march from one State to another, in order to collect the arrears of taxes from the delinquent members of the Republic? Will they maintain an army for this purpose? Will not the citizens of the invaded State assist one another till they rise as one Man, and shake off the Union altogether. Rebellion is the only case in which the military force of the State can be properly exerted agst. its Citizens.[23]

In the session of May 31, as reported by Mr. Madison, "The last clause of resolution 6, authorizing an exertion of the force of the whole against a delinquent State, came next into consideration." Upon this "Mr. Madison," to quote his exact language:

> observed that the more he reflected on the use of force, the more he doubted the practicability, the justice and the efficacy of it when applied to people collectively and not individually. . . ., A Union of the States con-

[15] Constitution of United States, Article III, section 2.
[16] 5 Pet., 20 (1831).
[17] Farrand, The Records of the Federal Convention, Vol. I, 245, 247; Vol. II, 157.
[18] Farrand, *supra*, Vol. II, 160, 170, 183, 186.
[19] Farrand, *supra*, Vol. III, 169.
[20] Farrand, *supra*, Vol. III, 223.
[21] Max Farrand, The Records of the Federal Convention of 1787, Vol. I, 1911, p. 21.
[22] *Ibid*, p. 34.
[23] Max Farrand, The Records of the Federal Convention of 1787, Vol. I, pp. 339-340.

taining such an ingredient seemed to provide for its own destruction. The use of force agst. a State, would look more like a declaration of war, than an infliction of punishment, and would probably be considered by the party attacked as a dissolution of all previous compacts by which it might be bound. He hoped that such a system would be framed as might render this recourse unnecessary, and moved that the clause be postponed. This motion was agreed to *nem. con.*[24]

In the session of June 8, 1787, Mr. Madison said:

Could the national resources, if exerted to the utmost enforce a national decree agst. Massts. abetted perhaps by several of her neighbors? It wd. not be possible. A small proportion of the Community in a compact situation, acting on the defensive, and at one of its extremities might at any time bid defiance to the National authority. Any Govt. for the U. States formed on the supposed practicability of using force agst. the unconstitutional proceedings of the States, wd. prove as visionary & fallacious as the Govt. of Congs.[25]

The question of coercion was again considered in the session of July 14, when Mr. Madison "called for a single instance in which the Genl. Govt. was not to operate on the people individually. The practicability of making laws, with coercive sanctions, for the States as political bodies, had been exploded on all hands."[26]

In a letter to Thomas Jefferson, after the adjournment of the Convention, under date of October 24, 1787, Mr. Madison said:

A *voluntary* observance of the federal law by all the members could never be hoped for. A *compulsive* one could evidently never be reduced to practice, and if it could, involved equal calamities to the innocent & the guilty, the necessity of a military force both obnoxious & dangerous, and in general a scene resembling much more a civil war than the administration of a regular Government.

Hence was embraced the alternative of a Government which instead of operating, on the States, should operate without their intervention on the individuals composing them; and hence the change in the principle and proportion of representation.[27]

On June 18, 1787, Alexander Hamilton, known to his colleagues in the Convention as "Colonel" Hamilton, spoke of "great and essential principles," among which he enumerated force, and of which he said:

Force by which may be understood a *coercion of laws* or *coercion of arms*. Congs. have not the former except in few cases. In particular States, this coercion is nearly sufficient; tho' he held it in most cases, not entirely so. A certain portion of military force is absolutely necessary in large communities. Massts. is now feeling this necessity & making provision for it. But how can this force be exerted on the States collectively. It is impossible. It amounts to a war between the parties. Foreign powers also will not be idle spectators. They will interpose, the confusion will increase, and a dissolution of the Union ensue.[28]

In "The Federalist," published in 1788, recurring to the same subject, Hamilton wrote:

Whoever considers the populousness and strength of several of these States singly at the present juncture, and looks forward to what they will become, even at the distance of half a century, will at once dismiss as idle and visionary any scheme which aims at regulating their movements by laws to operate upon them in their collective capacities, and to be executed by a coercion applicable to them in the same capacities. A project of this kind is little less romantic than the monster-taming spirit which is attributed to the fabulous heroes and demi-gods of antiquity.

Even in those confederacies which have been composed of members smaller than many of our counties, the principle of legislation for sovereign States, supported by military coercion, has never been found effectual. It has rarely been attempted to be employed but against the weaker members; and in most instances attempts to coerce the refractory and disobedient have been the signals of bloody wars, in which one half of the confederacy has displayed its banners against the other half.[29]

And in the New York Convention, advocating the ratification of the Constitution, he restated his views expressed in the Constitutional Convention itself, and in "The Federalist," thus:

It has been observed, to coerce the states is one of the maddest projects that was ever devised. A failure of compliance will never be confined to a single state. This being the case, can we suppose it wise to hazard a civil war? . . .

But can we believe that one state will ever suffer itself to be used as an instrument of coercion? The thing is a dream, it is impossible.[30]

Finally, lest this enumeration of the views of the fathers become tiresome to you, the opinion of Oliver Ellsworth, a member of the Federal Convention, and who as Chief Justice of the Supreme Court of the United States achieved no little distinction in the profession of law, expressed himself on this subject in the Convention of Connecticut for the ratification of the Constitution:

This Constitution defines the extent of the powers of the general government. If the general legislature should at any time overleap their limits, the judicial department is a constitutional check. If the United States go beyond their powers, if they make a law which the Constitution does not authorize, it is void; and the judi-

[24] Max Farrand, The Records of the Federal Convention of 1787, Vol. I, 1911, p. 54.
[25] *Ibid*, pp. 164-165.
[26] Max Farrand, The Records of the Federal Convention of 1787, Vol. II, 1911, p. 9.
[27] Gaillard Hunt, Writings of James Madison, Vol. V, 1904, p. 19.
[28] Max Farrand, The Records of the Federal Convention of 1787, Vol. I, pp. 284-285.
[29] Paul Leicester Ford, "The Federalist," 1898, pp. 99-100.
[30] Jonathan Elliot, The Debates in the Several State Conventions on the Adoption of the Federal Constitution, Vol. II, 1891, pp. 232-233.

cial power, the national judges, who to secure their impartiality, are to be made independent, will declare it to be void. On the other hand, if the states go beyond their limits, if they make a law which is a usurpation upon the federal government the law is void; and upright, independent judges will declare it to be so. Still, however, if the United States and the individual states will quarrel, if they want to fight, they may do it, and no frame of government can possibly prevent it. . . .

Hence we see how necessary for the Union is a coercive principle. No man pretends the contrary: we all see and feel this necessity. The only question is, Shall it be a coercion of law, or a coercion of arms? There is no other possible alternative. Where will those who oppose a coercion of law come out? Where will they end? A necessary consequence of their principles is a war of the states one against the other. I am for coercion by law—that coercion which acts only upon delinquent individuals. This Constitution does not attempt to coerce sovereign bodies, states, in their political capacity. No coercion is applicable to such bodies, but that of an armed force. If we should attempt to execute the laws of the Union by sending an armed force against a delinquent state, it would involve the good and bad, the innocent and guilty, in the same calamity.

But this legal coercion singles out the guilty individual, and punishes him for breaking the laws of the Union. All men will see the reasonableness of this; they will acquiesce, and say, Let the guilty suffer.[31]

But it is unnecessary to consider the matter further, inasmuch as without coercion by force of any kind, West Virginia has already satisfied the judgment rendered against it by the Supreme Court in favor of Virginia. At the request of Virginia, all proceedings pending in the Supreme Court, including the question of coercion, have been dismissed.

Should we, however, be wrong in our views about *injunction* and *mandamus,* it would not militate against the views we have expressed in the matter of *coercing* a State. In our letter of April 15th, to which you replied, we said:

Our conception of the sanction of force is confined to its operation upon individuals only, and does not extend to the operation of force upon States.

If, therefore, States can be controlled by writs of *injunction* and *mandamus* upon their officers, it would be an illustration of the action of force upon individuals, not upon States, as, in the views of the Fathers, force can only be used against individuals, not against States.

Perhaps Messrs. Mason, Madison, Hamilton, and Ellsworth are wrong; but, as Lord Byron has said in his "English Bards and Scotch Reviewers," "Better to err with Pope than shine with Pye."

Yours truly,

ARTHUR D. CALL.

[31] Max Farrand, The Records of the Federal Convention of 1787, Vol. III, 1911, pp. 240-241.

THE DEGENERATION OF BOLSHEVISM

By PROFESSOR S. A. KORFF

THE most hopeful sign of the present day in the Russian question is the rapid degeneration of Bolshevism as a system of government. The outside world knows sufficiently about the way Lenine came into power in November, 1917; there were three main reasons for his remarkable success at that time: First, the disintegration of Kerensky's administration and great discontent of the masses of the people with the existing conditions of government, which did not satisfy anybody; secondly, the energy and power of will which characterized the Bolsheviki, especially when compared to the disillusioned and disappointed ruling classes and intelligentsia, whom the Bolsheviki ousted from power; thirdly, and mainly, the fact that the Bolshevik group knew what they wanted and had a definite program, which appealed strongly to many social classes of the Russian people; in this last respect one may remember the apparent success of their cleverly chosen slogans, *land, food,* and *peace.* None of them came true; none of them could ever come true; the Bolshevik leaders knew that better than any one else, but that did not make any difference, as long as such promises could fool the people and bring Lenin the necessary support of the masses.

Lenin came into power bringing with him a very clearly worked out program and plan of government, and repeatedly said that he wanted to experiment on the Russian people, as to how his main ideal—*i. e.,* Communism—would work in practice. His other principles were only the further development and adaptation of Communism as their fundamental basis. Thus the Bolsheviki proclaimed the nationalization of industry and commerce, did away with the banks, abolished land property, telling the peasants they could seize all the land they wanted, severed their relations with the western bourgeois governments, and proclaimed a merciless civil war, directed against the former ruling classes, especially the bourgeoisie, their most dangerous enemies and opponents. The latter did not want to die and naturally fought the Bolshevik Government by all sorts of means, particularly by clever "sabotage" of the administration; hence reprisals of the Bolsheviki, which soon turned into a system of bloody murder, persecutions, and abuse never surpassed by any previous régime, Tsarism included. All who were against Bolshevism were mercilessly eliminated and any resistance broken down without hesitation. That the Bolsheviki themselves were a small minority of the people never hampered them in the least; they openly stood for the reign of the minority and against the idea of majority rule as an antiquated bourgeois institution.

The Bolsheviki cleared the field of action very soon because of their great energy and lack of scruples; no more impediments seemed to exist, and yet as early as in 1918 Lenin had to confess that his experiment did not bring him the expected satisfaction and desired results. He said Russia was not ready for his system; she was too uneducated, too immature; socially and economically too loosely organized. For this reason he began to stake his hopes on a world revolution which